

# ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

## TITLE 7. BANKING AND SECURITIES

### PART 2. TEXAS DEPARTMENT OF BANKING

#### CHAPTER 33. MONEY SERVICES BUSINESSES

##### 7 TAC §33.55

The Finance Commission of Texas (the commission), on behalf of the Texas Department of Banking (the department), adopts new §33.55, concerning the exemption to money transmission licensing under Finance Code §152.004(9), relating to certain activity by attorneys and title companies. The new rule is adopted without changes to the proposed text as published in the July 4, 2025 issue of the *Texas Register* (50 TexReg 3847) and will not be republished. The new rule clarifies the term "attorney" for purposes of §152.004(9) and the conditions necessary to invoke the exemption.

Pursuant to the new rule, only licensed attorneys who are a member of the State Bar of Texas, or Texas professional corporations organized to provide professional legal services, who receive and disburse escrow or trust funds in the course of providing legal representation may avail themselves of §152.004(9) as long as all other conditions of the exemption are met.

The department received no comments regarding the proposed new rule.

The new rule is adopted under Texas Finance Code §152.052, which authorizes the commission to adopt rules to administer and enforce Chapter 152, including rules necessary and appropriate to implement and clarify the chapter. Chapter 152 was adopted by Senate Bill 895 during the 88th Legislative Session.

Texas Finance Code §152.004 is affected by the proposed new rule.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on August 15, 2025.

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Robert K. Nichols, III

General Counsel

Texas Department of Banking

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For further information, please call: (512) 475-1327



## TITLE 22. EXAMINING BOARDS

### PART 8. TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

#### CHAPTER 153. RULES RELATING TO PROVISIONS OF THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT

##### 22 TAC §§153.9, 153.16, 153.17, 153.21, 153.22, 153.24, 153.25

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.9, Applications; §153.16, License Reinstatement; §153.17, License Renewal; §153.21, Appraiser Trainees and Supervisory Appraisers; §153.22, Volunteer Appraiser Experience Reviews; §153.24, Complaint Processing; and §153.25, Temporary Out-of-State Appraiser License.

The amendments are adopted without changes to the proposed text as published in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3342) and will not be republished.

The amendments to Chapter 153 are made following TALCB's quadrennial rule review for this Chapter. The change is made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §1103.151, which authorizes TALCB to adopt rules related certifying or licensing an appraiser or appraiser trainee and qualifying education and experience required for certifying or licensing an appraiser or appraiser trainee that are consistent with applicable federal law and guidelines recognized by the Appraiser Qualifications Board (AQB); §1103.152, which authorizes TALCB to prescribe qualifications for appraisers that are consistent with the qualifications established by the AQB; and §1103.154, which authorizes TALCB to adopt rules relating to professional conduct.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on August 14, 2025.

TRD-202502930

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**22 TAC §153.13**

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.13, Education Required for Licensing, with a non-substantive change to the proposed text as published in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3349) and will be republished.

The amendments to Chapter 153 are made following TALCB's quadrennial rule review for this Chapter. The amendments to §153.13 conform requirements related to education with those provided by the Appraiser Qualifications Board (AQB) and are made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

No comments were received regarding adoption of the amendments, however a non-substantive change was made to add a missing period to §153.13(i)(2)(C).

The amendments are adopted under Texas Occupations Code §1103.151, which authorizes TALCB to adopt rules related certifying or licensing an appraiser or appraiser trainee and qualifying education and experience required for certifying or licensing an appraiser or appraiser trainee that are consistent with applicable federal law and guidelines recognized by the Appraiser Qualifications Board (AQB); §1103.152, which authorizes TALCB to prescribe qualifications for appraisers that are consistent with the qualifications established by the AQB, and §1103.153, which authorizes TALCB to adopt rules relating to the requirements for approval of a provider or course for qualifying or continuing education.

*§153.13. Education Required for Licensing.*

(a) Applicants for a license must meet all educational requirements established by the AQB.

(b) The Board may accept a course of study to satisfy educational requirements for licensing established by the Act or by this section if the Board has approved the course and determined it to be a course related to real estate appraisal.

(c) The Board will approve courses for licensing upon a determination of the Board that:

- (1) the subject matter of the course was appraisal related;
- (2) the course was offered by an accredited college or university, or the course was approved by the AQB under its course approval process as a qualifying education course;
- (3) the applicant obtained credit received in a classroom presentation the hours of instruction for which credit was given and successfully completed a final examination for course credit except as specified in subsection (i) of this section (relating to distance education); and

(4) unless the AQB allows for a different duration, the course was at least 15 classroom hours in duration, including time devoted to examinations that are considered to be part of the course.

(d) The Board may require an applicant to furnish materials such as course outlines, syllabi, course descriptions or official transcripts to verify course content or credit.

(e) Course providers may obtain prior approval of a course by using a process acceptable to the Board and submitting a letter indicating that the course has been approved by the AQB under its course approval process. Approval of a course based on AQB approval expires on the date the AQB approval expires and is automatically revoked upon revocation of the AQB approval.

(f) If the transcript reflects the actual hours of instruction the student received from an acceptable provider, the Board will accept classroom hour units of instruction as shown on the transcript or other document evidencing course credit. Fifteen classroom hours of credit may be awarded for one academic semester hour of credit.

(g) Distance education courses may be acceptable to meet the classroom hour requirement, or its equivalent, provided that the course is approved by the Board, that a minimum time equal to the number of hours of credit elapses from the date of course enrollment until its completion, and that the course meets the criteria listed in paragraph (1) or (2) of this subsection.

(1) The course must have been presented by an accredited college or university that offers distance education programs in other disciplines; and

(A) the person has successfully completed a written examination administered to the positively identified person at a location and proctored by an official approved by the college or university; and

(B) the content and length of the course must meet the requirements for real estate appraisal related courses established by this chapter and by the requirements for qualifying education established by the AQB and is equivalent to a minimum of 15 classroom hours, unless the AQB allows for a different duration.

(2) The course has received approval for academic credit or has been approved under the AQB Course Approval program; and

(A) the person successfully completes a written examination proctored by an official approved by the presenting entity;

(B) the course meets the requirements for qualifying education established by the AQB; and

(C) is equivalent to a minimum of fifteen classroom hours, unless the AQB allows for a different duration.

(h) "In-house" education and training is not acceptable for meeting the educational requirements for licensure.

(i) To meet the USPAP educational requirements, a course must:

(1) utilize the "National Uniform Standards of Professional Appraisal Practice (USPAP) Course" promulgated by the Appraisal Foundation, including the Student Manual and Instructor Manual; or

(2) be an equivalent USPAP course as determined by the AQB that:

(A) is devoted to the USPAP with a minimum of 15 classroom hours of instruction;

(B) uses the current edition of the USPAP promulgated by the ASB; and

(C) provides each student with his or her own permanent copy of the current edition of the USPAP promulgated by the ASB.

(j) Unless authorized by law, neither current members of the Board nor those Board staff engaged in the approval of courses or educational qualifications of applicants or license holders shall be eligible to teach or guest lecture as part of an education course approved for licensing.

(k) If the Board determines that a course no longer complies with the requirements for approval, it may suspend or revoke the approval. Proceedings to suspend or revoke approval of a course shall be conducted in accordance with the Board's disciplinary provisions for licenses.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on August 14, 2025.

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Kathleen Santos

General Counsel

Texas Appraiser Licensing and Certification Board

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For further information, please call: (512) 936-3088



## 22 TAC §§153.18, 153.23, 153.40

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §§153.18, Appraiser Continuing Education (ACE), 153.23, Inactive Status, and 153.40, Approval of Continuing Education Providers and Courses.

The amendments are adopted without changes to the proposed text as published in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3349) and will not be republished.

The amendments to Chapter 153 are made following TALCB's quadrennial rule review for this Chapter. The amendments to §§153.18; 153.23; and 153.40 conform requirements related to education with those provided by the Appraiser Qualifications Board (AQB) and are made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §1103.151, which authorizes TALCB to adopt rules related certifying or licensing an appraiser or appraiser trainee and qualifying education and experience required for certifying or licensing an appraiser or appraiser trainee that are consistent with applicable federal law and guidelines recognized by the Appraiser Qualifications Board (AQB); §1103.152, which authorizes TALCB to prescribe qualifications for appraisers that are consistent with the qualifications established by the AQB, and §1103.153, which authorizes TALCB to adopt rules relating to the requirements for approval of a provider or course for qualifying or continuing education.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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## CHAPTER 159. RULES RELATING TO THE PROVISIONS OF THE TEXAS APPRAISAL MANAGEMENT COMPANY REGISTRATION AND REGULATION ACT

### 22 TAC §§159.104, 159.105, 159.108, 159.109, 159.161, 159.205

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §§159.104, Primary Contact; Appraiser Contact; Controlling Person; Contact Information; 159.105, Denial of Registration or Renewal of Registration; 159.108, Renewal; 159.109, Inactive Status; 159.161, Appraiser Panel; and 159.205, Identity Theft.

The amendments are adopted without changes to the proposed text as published in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3354) and will not be republished.

The amendments to Chapter 159 are made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language are clarified to reflect this change.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §1104.151, which authorizes TALCB to adopt rules necessary to administer the provisions of Chapter 1104, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 936-3088



# PART 15. TEXAS STATE BOARD OF PHARMACY

## CHAPTER 291. PHARMACIES

### SUBCHAPTER A. ALL CLASSES OF PHARMACIES

#### 22 TAC §291.6

The Texas State Board of Pharmacy adopts amendments to §291.6, concerning Pharmacy License Fees. These amendments are adopted without changes to the proposed text as published in the July 4, 2025, issue of the *Texas Register* (50 TexReg 3851). The rule will not be republished.

The amendments increase pharmacy license fees based on expected expenses following the appropriations made to TSBP under the General Appropriations Act of the Eighty-Ninth Legislature.

No comments were received.

The amendments are adopted under §§551.002, 554.006, and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets Section 554.006(a) as authorizing the agency to adopt fees to cover the cost of administering Subtitle J, Title 3, Occupations Code. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas State Board of Pharmacy

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#### 22 TAC §291.9

The Texas State Board of Pharmacy adopts amendments to §291.9, concerning Prescription Pick Up Locations. These amendments are adopted without changes to the proposed text as published in the June 27, 2025, issue of the *Texas Register* (50 TexReg 3716). The rule will not be republished.

The amendments allow a pharmacist or pharmacy to deliver prescription drugs by means of a contract carrier and certain prescription drugs by use of unmanned aircraft systems.

The Board received comments from Memorial Hermann Health System, Zipline International, and Rob Geddes, PharmD, with CVS Health in support of the amendments.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Daniel Carroll, Pharm.D.

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#### 22 TAC §291.12

The Texas State Board of Pharmacy adopts amendments to §291.12, concerning Delivery of Prescription Drugs. These amendments are adopted without changes to the proposed text as published in the June 27, 2025, issue of the *Texas Register* (50 TexReg 3717). The rule will not be republished.

The amendments allow and specify requirements for delivery of prescription drugs by contract carriers and unmanned aircraft systems.

The Board received comments from Memorial Hermann Health System, Zipline International, and Rob Geddes, PharmD, with CVS Health in support of the amendments.

The Board received comments from Jeenu Philip, R.Ph., with Walgreen Co., in support of the amendments and suggesting the removal of temperature control requirements for delivery of prescription drugs by a common or contract carrier providing an unmanned aircraft system delivery service.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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## 22 TAC §291.17

The Texas State Board of Pharmacy adopts amendments to §291.17, concerning Inventory Requirements. These amendments are adopted without changes to the proposed text as published in the June 27, 2025, issue of the *Texas Register* (50 TexReg 3719). The rule will not be republished.

The amendments remove inventory notarization requirements.

The Board received comments from Rob Geddes, PharmD, with CVS Health in support of the amendments.

The amendments are adopted under §§551.002 and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Daniel Carroll, Pharm.D.  
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Texas State Board of Pharmacy  
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## CHAPTER 295. PHARMACISTS

### 22 TAC §295.5

The Texas State Board of Pharmacy adopts amendments to §295.5, concerning Pharmacist License or Renewal Fees. These amendments are adopted without changes to the proposed text as published in the July 4, 2025, issue of the *Texas Register* (50 TexReg 3852). The rule will not be republished.

The amendments increase pharmacist license fees based on expected expenses following the appropriations made to TSBP under the General Appropriations Act of the Eighty-Ninth Legislature.

No comments were received.

The amendments are adopted under §§551.002, 554.006, and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas

Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets Section 554.006(a) as authorizing the agency to adopt fees to cover the cost of administering Subtitle J, Title 3, Occupations Code. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Daniel Carroll, Pharm.D.  
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Texas State Board of Pharmacy  
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For further information, please call: (512) 305-8084



## CHAPTER 297. PHARMACY TECHNICIANS AND PHARMACY TECHNICIAN TRAINEES

### 22 TAC §297.4

The Texas State Board of Pharmacy adopts amendments to §297.4, concerning Fees. These amendments are adopted without changes to the proposed text as published in the July 4, 2025, issue of the *Texas Register* (50 TexReg 3853). The rule will not be republished.

The amendments increase pharmacy technician registration fees based on expected expenses following the appropriations made to TSBP under the General Appropriations Act of the Eighty-Ninth Legislature.

No comments were received.

The amendments are adopted under §§551.002, 554.006, and 554.051 of the Texas Pharmacy Act (Chapters 551 - 569, Texas Occupations Code). The Board interprets §551.002 as authorizing the agency to protect the public through the effective control and regulation of the practice of pharmacy. The Board interprets Section 554.006(a) as authorizing the agency to adopt fees to cover the cost of administering Subtitle J, Title 3, Occupations Code. The Board interprets §554.051(a) as authorizing the agency to adopt rules for the proper administration and enforcement of the Act.

The statutes affected by this adoption: Texas Pharmacy Act, Chapters 551 - 569, Texas Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202502851

## PART 23. TEXAS REAL ESTATE COMMISSION

### CHAPTER 535. GENERAL PROVISIONS SUBCHAPTER B. GENERAL PROVISIONS RELATING TO THE REQUIREMENTS OF LICENSURE

#### 22 TAC §535.2

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.2, Broker Responsibility, in Chapter 535, General Provisions, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3064) and will not be republished.

The change is made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

Two comments were received, which the Commission's Executive Committee reviewed. One comment was in support of the proposed change, while the other expressed concern about the new system not verifying information and not having a paper backup. The committee declined to make changes as a result of the comments. The license management system increases efficiencies and user convenience, but agency staff will continue to remain involved in the processing of applications and other processes. Furthermore, if online service becomes unavailable, the language allows for flexibility in the method of submission. Finally, all agency data, including any information submitted via the system, is routinely backed up to ensure protection of data.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202502877  
Abby Lee  
General Counsel  
Texas Real Estate Commission  
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For further information, please call: (512) 936-3057

## SUBCHAPTER C. EXEMPTIONS TO REQUIREMENTS OF LICENSURE

#### 22 TAC §535.35

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.35, Registration of Certain Business Entities, in Chapter 535, General Provisions, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3066), and will not be republished.

The changes are made, in part, as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change. Additionally, a clarifying change is made to the time period referenced in subsection (c)(2) to simplify the calculation of the time period.

No comments were received on the proposed amendments.

The amendments are adopted under Texas Occupations Code, §1101.151 and §1101.355. Section 1101.151 authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. Section 1101.355 requires the Commission to adopt rules providing for the registration of an exempted business entity.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202502878  
Abby Lee  
General Counsel  
Texas Real Estate Commission  
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Proposal publication date: May 23, 2025  
For further information, please call: (512) 936-3057

## SUBCHAPTER E. REQUIREMENTS FOR LICENSURE

#### 22 TAC §535.51

The Texas Real Estate Commission (TREC) adopts an amendment to 22 TAC Chapter 535.51, General Requirements for a Real Estate License, in General Provisions, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3067), and will not be republished.

The change is made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

No comments were received on the proposed amendments.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Abby Lee

General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057



## SUBCHAPTER F. REQUIREMENTS FOR EDUCATION PROVIDERS, COURSES AND INSTRUCTORS FOR QUALIFYING EDUCATION

### 22 TAC §535.60

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.60, Definitions, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3068) and will not be republished.

The amendment to §535.60 removes the definition of "proctor" and renumbers accordingly for the reasons provided above.

The amendments were recommended by the Education Standards Advisory Committee and the Texas Real Estate Inspector Committee.

No comments were received on the proposed amendments.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Abby Lee

General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057



### 22 TAC §§535.61, 535.62, 535.64, 535.66

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.61, Approval of Providers of Qualifying Courses; §535.62, Approval of Qualifying Courses; §535.64, Content Requirements for Qualifying Real Estate Courses; and §535.66, Credit for Courses Offered by Accredited Colleges or Universities, in Chapter 535, General Provisions, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3072) and will not be republished.

The changes are made as a result of the agency's license management system project. First, because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, rule language is clarified to reflect this change. Secondly, because of license management system project requirements, the changes to §535.62(g)(3) clarify that a course approved for additional delivery methods under subsection(a)(3) expires on the same date as that of the originally approved course. This subsection also includes a terminology change for consistency.

No comments were received on the proposed amendments to §§535.61, 535.62, or 535.64. One comment was received on the proposed changes to §535.66, which was reviewed by the Commission's Executive Committee, expressing concerns about lack of verification by the online system. The license management system increases efficiencies and user convenience, but does not replace the role of agency staff in processing. As a result, the committee declined to make changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Abby Lee

General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057



### 22 TAC §535.65

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.65, Responsibilities and Operations of Providers of Qualifying Courses, with non-substantive changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3068) and will be republished.

A portion of the amendments to §535.65 are made as a result of changes to the language regarding identity verification. The language was broadened to make it flexible for future technology, to reduce student privacy concerns, and to align with established rule language. Some of the remainder of the amendments to §535.65 are made as a result of removing the requirement to have a qualifying course examination proctored and to have a proctor in situations where a course is delivered through the use

of technology and there are more than 20 students at a remote site. As a result, closed book examinations are no longer required. Additionally, the term "classroom delivery" is added to §535.65(g)(1)(C) to specify that the obligation applies to that type of course. Finally, the remaining amendments made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

The amendments were recommended by the Education Standards Advisory Committee (ESAC) and the Texas Real Estate Inspector Committee (TREIC).

Eight comments were received on the proposed amendments, which were reviewed by ESAC and TREIC. One commenter was in favor of all of the proposed changes. Two commenters expressed concern about the change to the photo identification language, however, while that specific language is being replaced with a broader term, the change does not preclude providers from checking a photo ID as a means of verification. Providers may have other ways to accomplish this verification given the many advances in technology that may be more secure. Two commenters were in favor of the removal of the proctor language in the rules, stating that the requirement was unnecessary and burdensome, while four commenters were concerned about removal of the proctoring language and closed book requirement, citing concerns about potential lack of preparation for the state licensing exam and that students may be less attentive during the exam. The committees did not share this concern.

As a result, the Commission declined to make changes. The rule is being adopted with changes, however, because a colon after the word "must" in subsection (h)(4) was not removed inadvertently.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

*§535.65. Responsibilities and Operations of Providers of Qualifying Courses.*

(a) Responsibility of Providers.

(1) A provider is responsible for:

(A) the administration of each course, including, but not limited to, compliance with any prescribed period of time for any required course topics required by the Act, Chapter 1102, and Commission rules;

(B) maintaining student attendance records and pre-enrollment agreements;

(C) verifying instructor qualification, performance and attendance;

(D) proper examination administration;

(E) validation of student identity acceptable to the Commission;

(F) maintaining student course completion records;

(G) ensuring all advertising complies with subsection (c) of this section;

(H) ensuring that instructors or other persons do not recruit or solicit prospective sales agents, brokers, easement or right-of-way agents, or inspectors during course presentation; and

(I) ensuring staff is reasonably available for public inquiry and assistance.

(2) A provider may not promote the sale of goods or services during the presentation of a course.

(3) A provider may remove a student and not award credit if a student does not participate in class, or disrupts the orderly conduct of a class, after being warned by the provider or the instructor.

(4) If a provider approved by the Commission does not maintain a fixed office in Texas for the duration of the provider's approval to offer courses, the provider shall designate a resident of this state as attorney-in-fact to accept service of process and act as custodian of any records in Texas that the provider is required to maintain by this section. A power-of-attorney designating the resident must be filed with the Commission in a form acceptable to the Commission.

(b) Use of Qualified Instructor.

(1) Except as provided by this subsection, a provider must use an instructor that is currently qualified under §535.63 of this subchapter (relating to Qualifications for Instructors of Qualifying Courses) to teach the specified course.

(2) Each instructor shall be selected on the basis of expertise in the subject area of instruction and ability as an instructor.

(3) A provider shall require specialized training or work experience for instructors teaching specialized subjects such as law, appraisal, investments, taxation or home inspection.

(4) An instructor shall teach a course in substantially the same manner represented to the Commission in the instructor's manual or other documents filed with the application for course approval.

(5) A provider may use the services of a guest instructor who does not meet the instructor qualifications under §535.63 of this subchapter for qualifying real estate, easement or right-of-way, or inspector courses provided that person instructs for no more than 10% of the total course time.

(c) Advertising.

(1) The following practices are prohibited:

(A) using any advertising which does not clearly and conspicuously contain the provider's name on the first page or screen of the advertising;

(B) representing that the provider's program is the only vehicle by which a person may satisfy educational requirements;

(C) conveying a false impression of the provider's size, superiority, importance, location, equipment or facilities, except that a provider may use objective information published by the Commission regarding pass rates if the provider also displays next to the passage rate in a readily noticeable fashion:

(i) A hyperlink to the Commission website's Education Provider Exam Passage Rate page labeled "TREC Provider Exam Pass Rates" for digital media; or

(ii) A URL to the Commission website's Education Provider Exam Passage Rate page labeled "TREC Provider Exam Pass Rates" for non-digital media;

(D) promoting the provider directly or indirectly as a job placement agency, unless the provider is participating in a program



recognized by federal, state, or local government and is providing job placement services to the extent the services are required by the program;

(E) making any statement which is misleading, likely to deceive the public, or which in any manner tends to create a misleading impression;

(F) advertising a course under a course name other than the course name approved by the Commission; or

(G) advertising using a name that implies the course provider is the Texas Real Estate Commission, including use of the acronym "TREC", in all or part of the course provider's name.

(2) Any written advertisement by a provider that includes a fee that the provider charges for a course must display any additional fees that the provider charges for the course in the same place in the advertisement and with the same degree of prominence.

(3) The provider shall advertise a course for the full clock hours of time for which credit is awarded.

(4) The provider is responsible for and subject to sanctions for any violation of this subsection by any affiliate or other third party marketer or web hosting site associated with or used by the provider.

(d) Pre-enrollment agreements for approved providers.

(1) Prior to a student enrolling in a course, a provider approved by the Commission shall provide the student with a pre-enrollment agreement that includes all of the following information:

(A) the tuition for the course;

(B) an itemized list of any fees charged by the provider for supplies, materials, or books needed in course work;

(C) the provider's policy regarding the refund of tuition and other fees, including a statement addressing refund policy when a student is dismissed or withdraws voluntarily;

(D) the attendance requirements;

(E) the acceptable makeup procedures, including any applicable time limits and any fees that may be charged for makeup sessions;

(F) the procedure and fees, if applicable, associated with exam proctoring;

(G) the procedure and fees for taking any permitted makeup final examination or any permitted re-examination, including any applicable time limits; and

(H) the notices regarding potential ineligibility for a license based on criminal history required by §53.152, Texas Occupations Code.

(2) A pre-enrollment agreement must be signed by a representative of the provider and the student prior to commencement of the course.

(e) Refund of fees by approved provider.

(1) A provider shall establish written policies governing refunds and contingency plans in the event of course cancellation.

(2) If a provider approved by the Commission cancels a course, the provider shall:

(A) fully refund all fees collected from students within a reasonable time; or

(B) at the student's option, credit the student for another course.

(3) The provider shall inform the Commission when a student requests a refund because of a withdrawal due to the student's dissatisfaction with the quality of the course.

(4) If a provider fails to give the notice required by subsection (d)(1)(H) of this section, and an individual's application for a license is denied by the Commission because the individual has been convicted of a criminal offense, the provider shall reimburse the individual the amounts required by §53.153, Texas Occupations Code.

(f) Course materials.

(1) Before the course starts, a provider shall give each student copies of or, if a student has online access, provide online access to any materials to be used for the course.

(2) A provider shall update course materials to ensure that current and accurate information is provided to students as provided for under §535.62 of this subchapter (relating to Approval of Qualifying Courses).

(g) Presentation of courses.

(1) Classroom Delivery.

(A) The location for the course must:

(i) be conducive to instruction, such as a classroom, training room, conference room, or assembly hall that is separate and apart from work areas;

(ii) be adequate for the class size;

(iii) pose no threat to the health or safety of students; and

(iv) allow the instructor to see and hear each student and the students to see and hear the instructor, including when offered through the use of technology.

(B) The provider must:

(i) verify the identification of each student at class sign up and when signing in for each subsequent meeting of the class;

(ii) ensure the student is present for the course for the hours of time for which credit is awarded;

(iii) provide a 10 minute break per hour at least every two hours; and

(iv) not have daily course segments that exceed 12 hours.

(C) For a qualifying or non-elective continuing education classroom delivery course delivered through the use of technology where there are more than 20 students registered for the course, the provider will also use a monitor to verify identification of each student, monitor active participation of each student and facilitate questions for the instructor.

(D) Makeup Session for Classroom Courses.

(i) A provider may permit a student who attends at least two-thirds of an originally scheduled qualifying course to complete a makeup session to satisfy attendance requirements.

(ii) A member of the provider's staff must approve the makeup procedure to be followed. Acceptable makeup procedures are:

(I) attendance in corresponding class sessions in a subsequent offering of the same course; or

(II) the supervised presentation by audio or video recording of the class sessions actually missed.

(iii) A student shall complete all class makeup sessions no later than the 90th day after the date of the completion of the original course.

(iv) A student who attends less than two-thirds of the originally scheduled qualifying course is not eligible to complete a makeup session. The student shall automatically be dropped from the course with no credit.

(2) Distance Education Delivery. The provider must ensure that:

(A) the student taking all topics of the course and completing all quizzes and exercises is the student receiving credit for the course through a student identity verification process acceptable to the Commission;

(B) a qualified instructor is available to answer students' questions or provide assistance as necessary in a timely manner;

(C) a student has completed all instructional modules and attended any hours of live instruction required for a given course; and

(D) a qualified instructor is responsible for providing answers and rationale for the grading of the course work.

(3) A provider is not required to present topics in the order outlined for a course on the corresponding course approval form.

(4) The periods of time prescribed to each unit of a topic for a qualifying course as outlined on the corresponding course approval form are recommendations and may be altered to allow instructors flexibility to meet the particular needs of their students.

(5) Notwithstanding subsections (3) - (4) of this section, all units must be presented within the prescribed topic.

(h) Course examinations.

(1) The final examination given at the end of each course must be given in the manner submitted to and approved by the Commission.

(2) Final examination questions must be kept confidential and be significantly different from any quiz questions and exercises used in the course.

(3) A provider shall not permit a student to view or take a final examination before the completion of regular course work and any makeup sessions required by this section.

(4) A provider must rotate all versions of the examination required by §535.62(b)(7) of this subchapter throughout the approval period for a course in a manner acceptable to the Commission and must require an unweighted passing score of 70%.

(5) A provider must administer the examination under conditions that ensure the student taking the examination is the student who registered for and took the course.

(6) A provider may not give credit to a student who fails a final examination and a subsequent final examination as provided for in subsection (i) of this section.

(i) Subsequent final course examination.

(1) If a student fails a final course examination, a provider may permit the student to take a subsequent final examination only after the student has completed any additional course work prescribed by the provider.

(2) A student shall complete the subsequent final examination no later than the 90th day after the date the original class concludes. The subsequent final examination must be a different version of the original final examination given to the student and must comply with §535.62(b)(8) of this subchapter and subsection (h) of this section.

(3) If a student fails to timely complete the subsequent final examination as required by this subsection, the student shall be automatically dropped from the course with no credit.

(4) A student who fails the final course examination a second time is required to retake the course and the final course examination.

(j) Course completion certificate.

(1) Upon successful completion of a qualifying course, a provider shall issue a course completion certificate. The course completion certificate shall include:

(A) the provider's name and approval number;

(B) the instructor's name;

(C) the course title;

(D) course numbers;

(E) the number of classroom credit hours;

(F) the course delivery method;

(G) the dates the student began and completed the course; and

(H) the printed name and signature of an official of the provider on record with the Commission.

(2) A provider may withhold any official completion documentation required by this subsection from a student until the student has fulfilled all financial obligations to the provider.

(3) A provider shall maintain adequate security against forgery for official completion documentation required by this subsection.

(k) Instructor and course evaluations.

(1) A provider shall provide each student enrolled in a course with an instructor and course evaluation form or provide a link to an online version of the form that a student can complete and submit any time after course completion.

(2) An instructor may not be present when a student is completing the evaluation form and may not be involved in any manner with the evaluation process.

(3) When evaluating an instructor or course, a provider shall use all of the questions from the evaluation form approved by the Commission, in the same order as listed on that form. A provider may add additional questions to the end of the Commission evaluation questions or request the students to also complete the provider's evaluation form.

(4) A provider shall maintain any comments made by the provider's management relevant to instructor or course evaluations with the provider's records.

(5) At the Commission's request, a provider shall produce instructor and course evaluation forms for inspection by Commission staff.

(l) Maintenance of records for a provider of qualifying courses.

(1) A provider shall maintain records of each student enrolled in a course for a minimum of four years following completion of the course, including course and instructor evaluations and student enrollment agreements.

(2) A provider shall maintain financial records sufficient to reflect at any time the financial condition of the school.

(3) A school's financial statement and balance sheets must be available for audit by Commission staff, and the Commission may require presentation of financial statements or other financial records.

(4) All records may be maintained electronically but must be in a common format that is legible and easily printed or viewed without additional manipulation or special software.

(m) Changes in ownership or operation of an approved provider of qualifying courses.

(1) An approved provider shall obtain the approval of the Commission at least 30 days in advance of any material change in the operations of the provider by submitting the Qualifying Education Provider Supplement Application using a process acceptable to the Commission, including but not limited to changes in:

(A) operations or records management; and

(B) the location of the main office and any other locations where courses are offered.

(2) An approved provider requesting approval of a change in ownership shall provide all of the following information or documents using a process acceptable to the Commission:

(A) an Education Provider Application reflecting all required information for each owner and the required fee;

(B) a Principal Information Form for each proposed new owner who holds at least 10% interest in the school;

(C) financial documents to satisfy standards imposed by §535.61 of this subchapter (relating to Approval of Providers of Qualifying Courses), including a \$20,000 surety bond for the proposed new owner; and

(D) business documentation reflecting the change.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Abby Lee

General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057



## SUBCHAPTER G. REQUIREMENTS FOR CONTINUING EDUCATION PROVIDERS, COURSES AND INSTRUCTORS

### 22 TAC §535.70

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.70, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3079) and will not be republished.

The amendment to §535.70 removes the definition of "proctor." The change was recommended out of concerns that: (i) the exam proctoring requirement was unnecessary; and (ii) the requirements generally are overly burdensome.

One comment was received, which was reviewed by the Education Standards Advisory Committee and the Texas Real Estate Inspector Committee. The commenter expressed concern about the removal of the proctoring definition and security. However, under the rule, examinations are still required to be administered under conditions that ensure the student taking the exam is the student who registered for and took the course. As a result, the Commission declined to make changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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### 22 TAC §§535.71, 535.73, 535.75

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.71, Approval of CE Providers; §535.73, Approval of Elective Continuing Education Courses; and §535.75, Responsibilities and Operations of Continuing Education Providers, in Chapter 535, General Provisions, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3081) and will not be republished.

The changes are made, in part, as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, rule language is clarified to reflect this change.

The changes to §535.75(d)(1) remove the specific requirements for a distance education delivery course completion roster. This requirement is no longer necessary because of the Commission's continuing education posting system. Additionally, lan-

guage in subsection (d)(1)(B)(viii) and (d)(1)(C) is being removed to better reflect agency process and requirements.

No comments were received on the proposed amendments.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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## 22 TAC §535.72

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.72, Approval of Non-elective Continuing Education Courses, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3079) and will not be republished.

The amendments to §535.72(g)(3)(B) remove the proctoring requirement for inspector non-elective continuing education course examinations for distance education delivery and make clarifying changes for rule consistency. The change was recommended out of concerns that: (i) the exam proctoring requirement was unnecessary; and (ii) the requirements generally are overly burdensome.

The changes to §535.72(h)(1) are made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

No comments were received on the proposed amendments.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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## SUBCHAPTER I. LICENSE RENEWAL

### 22 TAC §535.91

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.91, Renewal of a Real Estate License, in Chapter 535, General Provisions, with changes to the proposal, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3084) and will be republished.

The change is made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change. This includes a clarifying change in subsection (b)(1) to simplify the calculation of the time period.

No comments were received on the proposed changes, but to better coincide with the launch of the license management system project, the subsection (c) language is no longer being removed and as a result, the remaining sections no longer need to be renumbered.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

#### §535.91. *Renewal of a Real Estate License.*

##### (a) Renewal application.

(1) A real estate license expires on the date shown on the face of the license issued to the license holder.

(2) If a license holder intends to renew an unexpired license, the license holder must, on or before the expiration date of the current license:

(A) file a renewal application using a process acceptable to the Commission;

(B) submit the appropriate fee required by §535.101 of this chapter (relating to Fees);

(C) comply with the fingerprinting requirements under the Act; and

(D) except as provided for in subsections (g) and (h) of this section, satisfy the continuing education requirements applicable to that license.

(3) The Commission may request additional information be provided to the Commission in connection with a renewal application.

(4) A license holder is required to provide information requested by the Commission not later than the 30th day after the date the Commission requests the information. Failure to provide information is grounds for disciplinary action.

(b) Renewal Notice.

(1) The Commission will deliver a license renewal notice to a license holder 90 days before the expiration of the license holder's current license.

(2) If a license holder intends to renew a license, failure to receive a license renewal notice from the Commission does not relieve a license holder from the requirements of this subsection.

(3) The Commission has no obligation to notify any license holder who has failed to provide the Commission with the person's mailing address and email address or a corporation, limited liability company, or partnership that has failed to designate an officer, manager, or partner who meets the requirements of the Act.

(c) Timely renewal of a license.

(1) A renewal application for an individual broker or sales agent is filed timely if it is received by the Commission, or postmarked, on or before the license expiration date.

(2) A renewal application for a business entity broker is filed timely, if the application and all required supporting documentation is received by the Commission, or postmarked, not later than the 10th business day before the license expiration date.

(3) If the license expires on a Saturday, Sunday or any other day on which the Commission is not open for business, a renewal application is considered to be filed timely if the application is received or postmarked no later than the first business day after the expiration date of the license.

(d) Initial renewal of sales agent license. A sales agent applying for the first renewal of a sales agent license must:

(1) successfully complete the additional educational requirements of §535.55 of this chapter (relating to Education and Sponsorship Requirements for a Sales Agent License) before the sales agent files the renewal application; and

(2) fulfill the continuing education requirements of §535.92(a)(1), (a)(2), and (a)(4) of this chapter (relating to Continuing Education Requirements), if applicable.

(e) Renewal of license issued to a business entity. The Commission will not renew a license issued to a business entity unless the business entity:

(1) has designated a corporate officer, an LLC manager, an LLC member with managing authority, or a general partner who:

(A) is a licensed broker in active status and good standing with the Commission; and

(B) completes any applicable continuing education required under §535.92 of this chapter;

(2) maintains errors and omissions insurance with a minimum annual limit of \$1 million per occurrence if the designated broker owns less than 10 percent of the business entity; and

(3) is currently eligible to transact business in Texas.

(f) Renewal and pending complaints.

(1) The Commission may renew the current license of a license holder that has a complaint pending with the Commission, provided the license holder meets all other applicable requirements of this section.

(2) Upon completion of the investigation of the pending complaint, the Commission may suspend or revoke the license, after

notice and hearing in accordance with the Administrative Procedure Act, Chapter 2001, Texas Government Code.

(g) Renewal on inactive status.

(1) A license holder may renew a license on inactive status.

(2) A license holder is not required to complete continuing education courses as a condition of renewing a license on inactive status, but must satisfy continuing education requirements before returning to active status.

(h) Renewal with deferred continuing education.

(1) A license holder may renew an active license without completion of required continuing education and may defer completion of any outstanding continuing education requirements for an additional 60 days from the expiration date of the current license if the license holder:

(A) meets all other applicable requirements of this section; and

(B) pays the continuing education deferral fee required by §535.101 of this chapter at the time the license holder files the renewal application with the Commission.

(2) If after expiration of the 60 day period set out in paragraph (1) of this subsection, the Commission has not been provided with evidence that the license holder has completed all outstanding continuing education requirements, the license holder's license will be placed on inactive status.

(3) Credit for continuing education courses for a subsequent licensing period does not accrue until after all deferred continuing education has been completed for the current licensing period.

(i) Late Renewal.

(1) Subject to the requirements of this subsection and §1101.451(e) of the Act, a license holder may late renew a license after the expiration date of that license if:

(A) the license has been expired for less than six months;

(B) the license holder files the application to renew using a process acceptable to the Commission for that purpose; and

(C) the license holder submits the required fees under §535.101 of this chapter.

(2) Provided the license holder meets all the requirements of paragraph (1) of this subsection, the Commission will renew the license on inactive status.

(j) License Reinstatement.

(1) If a license has been expired for more than six months, a license holder may not renew the license.

(2) A license holder may reinstate an expired license if the license holder:

(A) has held an individual broker or sales agent license in this state within the two years preceding the date the reinstatement application is filed;

(B) submits the required fees under §535.101 of this chapter; and

(C) satisfies the Commission as to the applicant's honesty, trustworthiness, and integrity.

(3) An applicant for reinstatement is not required to take an examination.

(4) Provided the license holder meets the requirements of paragraph (2) of this subsection, the Commission will reinstate:

(A) a broker license on active status if the continuing education that would have been required for a timely renewal during the two years preceding the date the application is filed is completed, except as provided in paragraph (5) of this subsection;

(B) a sales agent license on inactive status.

(5) A broker may file an application to reinstate a license on inactive status under this subsection.

(k) Reactivation of a license on inactive status under this section is governed by Subchapter L of this chapter (relating to Inactive License Status).

(l) Denial of Renewal. The Commission may deny an application for renewal of a license if the license holder is in violation of the terms of a Commission order.

(m) Renewal of license for military service member. A license holder on active duty in the United States armed forces is entitled to two years of additional time to renew an expired license without being subject to any increase in fee, any education or experience requirements or examination if the license holder:

(1) provides a copy of official orders or other official documentation acceptable to the Commission showing that the license holder was on active duty during the license holder's last renewal period; and

(2) pays the renewal application fee in effect when the previous license expired.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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## SUBCHAPTER L. INACTIVE LICENSE STATUS

### 22 TAC §§535.121 - 535.123

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.121, Inactive Sale Agent License; §535.122, Reactivation of Sales Agent License; and §535.123, Inactive Broker Status, in Chapter 535, General Provisions, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3086), and will not be republished.

The change is made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

No comments were received on the proposed amendments.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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For further information, please call: (512) 936-3057



## SUBCHAPTER N. SUSPENSION AND REVOCATION OF LICENSURE

### 22 TAC §535.154

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.154, Registration and Use of Alternate, Team and Assumed Business Names Used in Advertisements, in Chapter 535, General Provisions, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3088) and will not be republished.

The amendments to §535.154 are made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

No comments were received on the proposed amendments.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Abby Lee

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Texas Real Estate Commission

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## SUBCHAPTER R. REAL ESTATE INSPECTORS

### 22 TAC §§535.208, 535.215, 535.216, 535.218

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.208, Application for a License; §535.215, Inactive Inspector Status; §535.216, Renewal of License; and §535.218, Continuing Education Required for Renewal, in Chapter 535, General Provisions, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3090) and will not be republished.

The changes are made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change. Additionally, the changes to §535.208(e)(1) correct references to applicable law.

No comments were received on the proposed amendments to §§535.215, 535.216, or 535.218. One comment was received on the proposed changes to §535.208, which was reviewed by the Commission's Executive Committee. There is no separate process for expired applications. Under current language, applications are terminated if the applicant fails to satisfy requirements within one year from the date the application is filed. Such an applicant would then need to submit a new application. As a result, the committee declined to make changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Abby Lee

General Counsel

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## SUBCHAPTER T. EASEMENT OR RIGHT-OF-WAY AGENTS

### 22 TAC §535.400, §535.404

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.400, Registration of Easement or Right-of-Way Agents; and §535.404, Fees, in Chapter 535, General Provisions, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3094) and will not be republished.

The amendments are made as a result of the agency's license management system project. Because of this project, users will be able to provide information and make payment to the agency

through an online process, rather than by submitting a paper form or check. As a result, the rule language is clarified to reflect this change. New language is added §535.404(3) to provide notice that when submitting online payment, the Commission may collect a subscription or convenience fee required by the Texas Department of Information Resources.

No comments were received on the proposed amendments to §535.400. One comment was received on the proposed changes to §535.404, which was reviewed by the Commission's Executive Committee. The commenter cited concern about the DIR fee, however, the purpose of this language is to provide notice of the fee associated with the use of DIR's online payment system. The fee is required by DIR regardless of format. As a result, the committee declined to make changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas Real Estate Commission

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### 22 TAC §535.403

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.403, Renewal of Registration, in Chapter 535, General Provisions, with changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3094) and will be republished.

The amendments are made as a result of the agency's license management system project. Because of this project, users will be able to provide information and make payment to the agency through an online process, rather than by submitting a paper form or check. As a result, the rule language is clarified to reflect this change. This includes removing language from 535.403(f) that is no longer necessary in light of the online application process. In addition, a clarifying change is made to the time period referenced in §535.403 to simplify and make consistent the calculation of the time period.

No comments were received on the proposed amendments, however, to better coincide with the launch of the license management system project, the §535.403(f) language is no longer being removed and as a result, the remaining section no longer needs to be renumbered.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics

for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

§535.403. *Renewal of Registration.*

(a) Renewal application.

(1) A registration expires on the date shown on the face of the registration issued to the certificate holder.

(2) If a certificate holder intends to renew an unexpired registration, the certificate holder must, on or before the expiration date of the current registration:

(A) file a renewal application using a process acceptable to the Commission;

(B) submit the appropriate fee required by §535.404 of this subchapter (relating to Fees); and

(C) comply with the fingerprinting and education requirements under the Act.

(b) Failure to provide information requested by the Commission in connection with a renewal application is grounds for disciplinary action under §1101.653 of the Act.

(c) A registrant who fails to timely renew must apply for and receive a new registration in order to act as an easement or right-of-way agent.

(d) The Commission will deliver a registration renewal notice to a certificate holder 90 days before the expiration of the certificate holder's current registration. Failure to receive the certificate renewal notice does not relieve a certificate holder of the obligation to renew a certificate.

(e) The Commission is not required to notify a business entity such as a corporation, limited liability company, or partnership that has failed to designate an officer, manager, or general partner who meets the requirements of §1101.502 of the Act. The Commission may not renew a registration issued to a business entity that has not designated an officer, manager, or general partner who meets the requirements of the Act.

(f) If the registration expires on a Saturday, Sunday or any other day on which the Commission is not open for business, a renewal application is considered to be timely filed when the application is received or postmarked no later than the first business day after the expiration date of the registration.

(g) Denial of Renewal. The Commission may deny an application for renewal of a registration if the certificate holder is in violation of the terms of a Commission order.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Abby Lee

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Texas Real Estate Commission

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For further information, please call: (512) 936-3057



## CHAPTER 537. PROFESSIONAL AGREEMENTS AND STANDARD CONTRACTS

### 22 TAC §537.64, §537.65

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §537.64, Standard Contract Form TREC No. OP-M, Non-Realty Items Addendum; and §537.65, Standard Contract Form TREC No. 57-0, Notice to Prospective Buyer, and the forms adopted by reference, in Chapter 537, Professional Agreements and Standard Contracts, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3096) and the Correction of Error notice published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5500), and will not be republished.

Texas real estate license holders are generally required to use forms promulgated by TREC when negotiating contracts for the sale of real property. These forms are drafted and recommended for proposal by the Texas Real Estate Broker-Lawyer Committee, an advisory body consisting of six attorneys appointed by the President of the State Bar of Texas, six brokers appointed by TREC, and one public member appointed by the governor.

The amendments to Chapter 537 and the forms adopted by reference are made as a result of the Commission's quadrennial rule review. The proposed changes update or correct form reference numbering.

No comments were received on the proposed changes.

The amendment is adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendment is also adopted under Texas Occupations Code, §1101.155, which authorizes the Commission to adopt rules in the public's best interest that require license holders to use contract forms prepared by the Texas Real Estate Broker-Lawyer Committee and adopted by the Commission.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Abby Lee

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Texas Real Estate Commission

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For further information, please call: (512) 936-3057



## CHAPTER 541. RULES RELATING TO THE PROVISIONS OF TEXAS OCCUPATIONS CODE, CHAPTER 53

### 22 TAC §541.2

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §541.2, Criminal History Evaluation Let-



ters/Determination of Fitness, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3097) and will not be republished.

The amendment to §541.2 is made as a result of the agency's license management system project. Because of this project, users will be able to provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

No comments were received on the proposed amendments.

The amendment is adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendment is also adopted pursuant to Subchapter D, Chapter 53, Occupations Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Abby Lee

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Texas Real Estate Commission

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For further information, please call: (512) 936-3057



## CHAPTER 543. RULES RELATING TO THE PROVISIONS OF THE TEXAS TIMESHARE ACT

### 22 TAC §§543.2 - 543.4, 543.6, 543.13

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §543.2, Registration; §543.3, Amendments; §543.4, Fees; §543.6, Violations; and §543.13, Renewal of Registration in Chapter 543, Rules Relating to the Provisions of the Texas Timeshare Act, without changes, as published in the May 23, 2025, issue of the *Texas Register* (50 TexReg 3098) and will not be republished.

The amendments to Chapter 543 are made as a result of: (i) the Commission's quadrennial rule review; and (ii) the agency's license management system project.

A clarifying change is made to the time periods referenced in §§543.2, 543.6, and 543.13 to simplify and make consistent the calculation of the relevant time period. A new subsection (g) is added to §543.4 to provide notice that when submitting online payment, the Commission may collect a subscription or convenience fee required by the Texas Department of Information Resources.

Because of the license management system project, users will be able to provide more information and make payment to the agency utilizing an online process, rather than by submitting a paper form or check. As a result, the rule language is clarified to

reflect this change. The changes to §543.6(f) also help align the language with agency process among other license types.

No comments were received on the proposed amendments to §§543.2, 543.3, 543.6, or 543.13. One comment was received on the proposed changes to §543.4, which was reviewed by the Commission's Executive Committee. The commenter cited concern about the DIR fee, however, the purpose of this language is to provide notice of the fee associated with the use of DIR's online payment system. The fee is required by DIR regardless of format. As a result, the committee declined to make changes.

The amendments are adopted under the Texas Property Code, §221.024, which authorizes the Texas Real Estate Commission to prescribe and publish forms and adopt rules necessary to carry out the provisions of The Texas Timeshare Act.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Abby Lee

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Texas Real Estate Commission

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For further information, please call: (512) 936-3057



## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

#### CHAPTER 380. RULES FOR STATE-OPERATED PROGRAMS AND FACILITIES SUBCHAPTER E. BEHAVIOR MANAGEMENT AND YOUTH DISCIPLINE DIVISION 1. BEHAVIOR MANAGEMENT

##### 37 TAC §380.9520

The Texas Juvenile Justice Department (TJJD) adopts the repeal of 37 TAC §380.9520, Cooling-Off Period for Youth Out of Control, as published in the May 16, 2025, issue of the *Texas Register* (50 TexReg 2955). The repeal will not be republished.

##### JUSTIFICATION

The repeal of §380.9520 allows the content to be revised, combined with the content from the simultaneously repealed §380.9739, Isolation, and republished together as new §380.9520, Regulation Break for Youth out of Control.

##### PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

##### STATUTORY AUTHORITY

The repeal is adopted under §242.003, Human Resources Code, which requires the Board to adopt rules appropriate to properly accomplish TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on August 14, 2025.

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Jana Jones

General Counsel

Texas Juvenile Justice Department

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For further information, please call: (512) 490-7278



### 37 TAC §380.9520

The Texas Juvenile Justice Department (TJJD) adopts new 37 TAC §380.9520, Regulation Break for Youth out of Control, without changes to the proposed text as published in the May 16, 2025, issue of the *Texas Register* (50 TexReg 2956). The new rule will not be republished.

#### JUSTIFICATION

New §380.9520 incorporates elements of two sections being simultaneously repealed: the previous version of §380.9520, as well as §380.9739. In addition to retaining the essential components from those two repealed sections, new §380.9520 adds two new designations for the temporary removal of youth from planned activity, as follows: (1) regulation breaks, which are voluntary or staff-directed breaks in an unlocked room; and (2) directed regulation breaks, which are staff-directed breaks in a locked room.

#### PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

#### STATUTORY AUTHORITY

The new section is adopted under §242.003, Human Resources Code, which requires the Board to adopt rules appropriate to properly accomplish TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Jana Jones

General Counsel

Texas Juvenile Justice Department

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For further information, please call: (512) 490-7278



## SUBCHAPTER F. SECURITY AND CONTROL

### 37 TAC §380.9739

The Texas Juvenile Justice Department (TJJD) adopts the repeal of 37 TAC §380.9739, Isolation, as published in the May 16, 2025, issue of the *Texas Register* (50 TexReg 2957). The repeal will not be republished.

#### JUSTIFICATION

Section 380.9739 is proposed for repeal so that its content can be revised and included in a new version of 37 TAC §380.9520.

#### PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

#### STATUTORY AUTHORITY

The repeal is adopted under §242.003, Human Resources Code, which requires the Board to adopt rules appropriate to properly accomplish TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Jana Jones

General Counsel

Texas Juvenile Justice Department

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For further information, please call: (512) 490-7278



### 37 TAC §380.9742

The Texas Juvenile Justice Department (TJJD) adopts new 37 TAC §380.9742, Security Unit Admission Pending Program or Facility Transition, without changes to the proposed text as published in the May 16, 2025, issue of the *Texas Register* (50 TexReg 2958). The new rule will not be republished.

#### JUSTIFICATION

New §380.9742 establishes criteria and procedures for temporarily allowing youth to be admitted to the security unit while awaiting transportation to another high-restriction facility within 48 hours, transportation to the Correctional Institutions Division of the Texas Department of Criminal Justice, transportation to a court hearing, or reassignment to the intervention program within TJJD.

#### PUBLIC COMMENTS

TJJD did not receive any public comments on the proposed rule-making action.

#### STATUTORY AUTHORITY

The new section is adopted under §242.003, Human Resources Code, which requires the board to adopt rules appropriate to the proper accomplishment of TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Jana Jones

General Counsel

Texas Juvenile Justice Department

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For further information, please call: (512) 490-7278



## PART 15. TEXAS FORENSIC SCIENCE COMMISSION

### CHAPTER 651. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES

#### SUBCHAPTER A. ACCREDITATION

##### 37 TAC §651.5

The Texas Forensic Science Commission (Commission) adopts amendments to 37 Texas Administrative Code §651.5, Forensic Disciplines Subject to Commission Accreditation, without changes to the text as published in the May 9, 2025 issue of the *Texas Register* (50 TexReg 2755), to distinguish Rapid DNA analysis as its own forensic discipline for accreditation purposes consistent with actions taken by the ANSI National Accreditation Board (ANAB) and the American Association for Laboratory Accreditation (A2LA), the two accrediting bodies currently recognized by the Commission under 37 Texas Administrative Code §651.4(a). Rapid DNA analysis is the fully automated (hands-free) process of developing a CODIS acceptable STR profile from a casework reference or forensic sample. The "swab in- profile out" process consists of automated extraction, amplification, separation, detection and allele calling without human intervention. The rule will not be republished.

**Reasoned Justification for Rule.** The Commission adopts these amendments in response to an announcement by the Federal Bureau of Investigation (FBI) of a change to its Quality Assurance Standards (QAS) that authorizes crime scene samples processed utilizing Rapid DNA technology to be uploaded and searched in the Combined DNA Index System (CODIS) as long as certain requirements are met. The FBI adopted new rules (effective July 1, 2025) to allow law enforcement to utilize Rapid DNA technology within the umbrella of the existing accreditation of a crime laboratory. This FBI rule change, in turn, sparked changes in the way the accrediting bodies recognized by the Commission categorize Rapid DNA analysis. Whereas previously, Rapid DNA technology was classified within the general category of forensic biology/DNA analysis, it now has its own distinct category. The proposed amendments make this same change to the Commission's administrative rules. The goal is to ensure consistency and clarity between the FBI's rules, the approach taken by recognized accrediting bodies, and the Commission's administrative rules.

**Summary of Comments.** The public comment period on the rule proposal began on May 9, 2025 and ended on June 10, 2025. The Commission did not receive any comments.

**Statutory Authority.** The rule amendments are adopted under the Commission's general rulemaking authority provided in Code of Criminal Procedure, Article 38.01 § 3-a and its authority to estab-

lish an accreditation process for crime laboratories and other entities conducting forensic analyses of physical evidence for use in criminal proceedings provided in Code of Criminal Procedure, Article 38.01 § 4-d and Article 38.35(a)(4)(D).

Cross reference to statute. Code of Criminal Procedure, Article 38.01 § 4-d and Code of Criminal Procedure, Article 38.35(a)(4)(D).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Leigh Tomlin

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Texas Forensic Science Commission

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For further information, please call: (512) 936-0661



#### SUBCHAPTER C. FORENSIC ANALYST LICENSING PROGRAM

##### 37 TAC §651.207

The Forensic Science Commission (Commission) adopts amendments to 37 Texas Administrative Code §651.207, Forensic Analyst and Forensic Technician Licensing Requirements, Including Initial License Term and Fee, Minimum Education and Coursework, General Forensic Examination, Proficiency Monitoring and Mandatory Legal and Professional Responsibility Training without changes to the text as published in the May 9, 2025 issue of the *Texas Register* (50 TexReg 2757) and will not be republished. The rule adoption changes the requirement for minimum coursework for commission-licensed forensic biology/DNA analysts to mirror the Federal Bureau of Investigation's Quality Assurance Standards (FBI QAS) coursework requirements in place at the time of the analyst's application for licensure with the Commission. Coursework requirements are academic classes officially recognized and taught through an accredited college or university program in which the participating student (applicant) successfully completed and received one or more credit hours for the class. Under current commission rules, analysts must comply with coursework requirements from a soon-to-be outdated version of the FBI QAS to qualify for licensure by the Commission. The FBI recently announced an update of its Quality Assurance Standards for coursework expected of forensic biology/DNA analysts who work for DNA testing laboratories (effective July 1, 2025). The revisions include removal of specifically required course names which have, in the past, barred otherwise qualified candidates from working as forensic DNA analysts in forensic testing laboratories and replaced the specific course names with a general requirement for 9 credit hours in coursework in biology- or chemistry-related areas that provide an understanding of the foundations of DNA analysis. The rule changes adopted herein follow the same path, expanding the eligibility requirements for forensic biology/DNA applicants for licensure in the State of Texas.

**Reasoned Justification for Rule.** The adopted amendments require licensed forensic biology/DNA analysts to meet current, national FBI QAS minimum coursework requirements for em-

ployment at an accredited crime laboratory. The amendments subject forensic biology/DNA analysts to these current requirements at the time of application for licensure to the Commission and remove the requirement for compliance with the 2011 version of the QAS expressed in the Commission's current licensing rules.

Summary of Comments. The public comment period on the rule proposal began on May 9, 2025, and ended on June 10, 2025. The Commission did not receive any comments.

Statutory Authority. The rule amendments are adopted under the general rulemaking authority provided in Code of Criminal Procedure, Article 38.01 §3-a and its authority to license forensic analysts under §4-a(b).

Cross reference to statute. Code of Criminal Procedure, Article 38.01 § 4-a(b).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

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For further information, please call: (512) 936-0661

